

Application No. 09/935,173

REMARKS

Applicant has carefully studied the outstanding Official Action mailed on July 16, 2003. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant wishes to express his gratitude to the Examiner for the courtesy of a telephone interview with Applicant's representative David Klein, Patent Agent Reg. No. 41,118. During the interview, a proposed amendment to claim 1 was discussed in comparison with Yachia et al.

Claims 11-13 stand rejected under 35 USC §112, second paragraph for lack of antecedence. Claims 11-13 have been appropriately amended to overcome this rejection.

Claims 1-10 and 13 stand rejected under 35 USC §102(b) as being anticipated by, or in the alternative, under 35 USC §103(a) as being unpatentable over Yachia et al. (US Patent 5,246,445).

Claims 11 and 12 stand rejected under 35 USC §103(a) as being unpatentable over Yachia et al. in view of St. Germain (US Patent 5,836,966).

Claims 14-19 stand rejected under 35 USC §103(a) as being unpatentable over Yachia et al.

Although Applicant traverses the above §102 and §103 rejections, for the purposes of expedited allowance, the claims have been amended. Specifically, claim 1 has been amended to point out a structural difference between the claimed invention and the cited art. Examiner has stated that Yachia et al. comprises different cross-sectional areas. However, it is respectfully pointed out that Yachia et al. comprises just two different cross-sectional areas: a "bulge" and a nominal cross-sectional area. Further there is no straight portion used in conjunction with these two different cross-sectional areas.

In contrast, the present invention comprises a straight, upstream portion having a first cross-sectional area that axially changes into a constriction smaller than the straight portion, and a downstream portion with a larger cross-sectional area than the straight portion. It is respectfully submitted that this structure is not taught nor suggested by Yachia et al. or any of the other cited art.

Thus claim 1 is deemed to be allowable. Claims 4-8 have been canceled as containing recitation found or suggested in claim 1. Accordingly, claims 1-3 and 9-19 are deemed allowable.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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I hereby certify that this correspondence is being transmitted by facsimile to 703-872-9302 at the United States Patent and Trademark Office on October 10, 2003.

David Klein, Reg. No. 41,118

(Name of Applicant's Representative)

David Klein
(Signature)